

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

EUGENE DEBBS PHILLIPS, III,

Plaintiff,

v.

CIVIL ACTION NO.: CV213-069

CONSOLIDATED PUBLISHING
COMPANY, INC.; PUBLIX
SUPERMARKETS, INC.; CARLTON
FIELDS, P.A.; H. BRANDT AYERS;
BENJAMIN CUNNINGHAM; JASON
BACAJ; WAYNE RUPLE; KENNETH
A. TINKLER; JOHN ALRED; and
H. RAY ALLEN, II,

Defendants.

ORDER

After an independent and *de novo* review, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which the "Florida Defendants" filed a limited Objection and to which Defendants Consolidated Publishing Company, Inc., Ayers, Cunningham, Bacaj, Ruple, and Alred filed a response in support of this limited Objection. These Defendants wish to have certain language in the Magistrate Judge's Report and Recommendation corrected to reflect that the Magistrate Judge made no decision based on an evidentiary hearing.

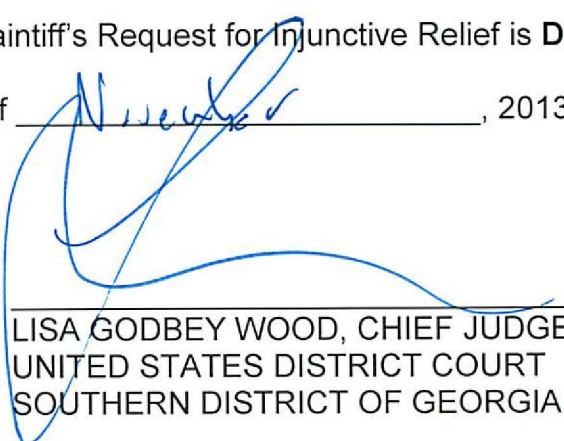
This Objection is **sustained**. While the Magistrate Judge could have used clearer language in his Report, it is evident that the Magistrate Judge did not make a finding that Plaintiff has shown, based on evidence and/or facts, a substantial likelihood

of success on the merits of his claims. To be clear, that portion of the Magistrate Judge's Report shall be amended to reflect a ruling that, based on Plaintiff's allegations (i.e., contentions which have not been proven to be true), he has shown a substantial likelihood of success on the merits of his claims, if his allegations prove to be supported by facts and evidence. Such a ruling is not based on a finding of fact or a review of evidence.

Plaintiff also filed Objections to the Magistrate Judge's Order and Report and Recommendation. These Objections appear to be nothing more than Plaintiff's reiteration of contentions he has made on previous occasions. To the extent Plaintiff objects to the Magistrate Judge's Order unsealing the majority of this case, Plaintiff's Objection is without merit. The Magistrate Judge's ruling protects from dissemination or public viewing potentially confidential information. There is nothing before the Court indicating that the entire record in this case should remain sealed. Plaintiff's Objections are **overruled**.

The Magistrate Judge's Report and Recommendation, as amended herein, is adopted as the opinion of the Court. Plaintiff's Request for Injunctive Relief is **DENIED**.

SO ORDERED, this 25 day of November, 2013.



LISA GODBEY WOOD, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA